

**NORRIS, McLAUGHLIN & MARCUS**

A PROFESSIONAL CORPORATION

875 THIRD AVENUE  
18<sup>TH</sup> FLOOR  
New York, NY 10022  
(212) 808-0700  
Facsimile: (212) 808-0844

---

**FACSIMILE COVER SHEET****May 17, 2006**

**TO:** Ms. Terry Dey  
United States Patent and Trademark Office

**TELEFAX:** Fax # 571-273-0100

**RE:** Application No.: 10/067,189  
Reissue

**FROM:** Kurt G. Briscoe

**ATTORNEY DOCKET NO.:** 100717-522 / Bayer 6708.5 Reissue

**MESSAGE:**

Attached herewith please find:

- Amendment After Allowance (2 pages)
- Reissue Declaration (12 pages)

We are transmitting **15** pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Jennifer Archer at Ext. 8881.

This is the only form of delivery for this document:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

New Jersey Office: 721 Route 202-206  
P.O. Box 1018  
Somerville, NJ 08876-1018  
Telephone: (908) 722-0700 Facsimile: (908) 722-0755  
26.4-00 2006 05/18 THU 10:14 [TX/RX NO 5558] 001

**FACSIMILE CERTIFICATE**

I hereby certify that this correspondence is being filed via facsimile to the designated fax number (571) 273-0100 to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on the date indicated below.

Date: May 17, 2006

By

  
Jennifer Archer

Attorney Docket No. 100717-522 / Bayer 6708.5 – Reissue

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Kozo SHIOKAWA et al  
SERIAL NO. : 10/067,189  
CUSTOMER NO. : 27384  
FILED : February 4, 2002  
FOR : HETEROCYCLIC COMPOUNDS  
ART UNIT : 1624  
EXAMINER : Richard L. Raymond

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER ALLOWANCE  
SUBMISSION OF REISSUE DECLARATION**

SIR:

Please place of record the attached reissue declaration and enter the following:

**REMARKS**

The attached reissue declaration incorporates by reference all amendments “through April 12, 2006.” April 12, 2006, was the date of a telephone conference between the undersigned and Mr. Steve Marcus, wherein Mr. Marcus first explained to the undersigned the need for a reissue declaration that took into consideration the

USSN 10/067,189  
Amendment After Allowance

Page 1

00081858

amendments made to the issue application subsequent to the date of execution of the previous reissue declaration. Accordingly, April 12, 2006, was selected as the date of mention in the current reissue declaration, and the reissue declaration, thus, takes into consideration all amendments through and including April 12, 2006.

Early reissuance of the patent is earnestly solicited.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By 

Kurt G. Briscoe, Reg. No. 33,141  
Attorney for Applicant(s)  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700

**REISSUE APPLICATION COMBINATION DECLARATION &  
POWER OF ATTORNEY**

 ATTORNEY DOCKET No.:  
**100717- 522 / Bayer 6708.5**  
 Reissue

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

 I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 4,849,432, granted July 18, 1989 and for which a reissue patent is sought on the invention entitled HETEROCYCLIC COMPOUNDS

the specification of which

 (check one) ☐ is being filed herewith, or

☒ was filed on February 4, 2002 as reissue application serial number 10/067,189 and was amended through April 12, 2006.

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

SHO 61-48629  
 (Number)

Japan  
 (Country)

07 March 1986  
 (Day/Month/Yr. Filed)

☒ yes ☐ no

 \_\_\_\_\_  
 (Number)

 \_\_\_\_\_  
 (Country)

 \_\_\_\_\_  
 (Day/Month/Yr. Filed)

☐ yes ☐ no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing data of the prior application and the national or PCT international filing date of this application:

 \_\_\_\_\_  
 (Application Serial No.)

 \_\_\_\_\_  
 (Filing Date)

 \_\_\_\_\_  
 (Status)  
 (patented, pending, abandoned)

 \_\_\_\_\_  
 (Application Serial No.)

 \_\_\_\_\_  
 (Filing Date)

 \_\_\_\_\_  
 (Status)  
 (patented, pending, abandoned)

 \_\_\_\_\_  
 (Application Serial No.)

 \_\_\_\_\_  
 (Filing Date)

 \_\_\_\_\_  
 (Status)  
 (patented, pending, abandoned)

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 2 of 3

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to pyrrolidine compounds by amending original patent claim 1 to cancel values of X other than CH-R<sup>3</sup>, and canceling original patent claims 2-6 and 9.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint

Pracioners Associated with the  
Customer Number:

27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----  
**DIRECT TELEPHONE CALLS TO:**

**Kurt G. Briscoe**

**(212) 808-0700**

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR <b>KOZO SHIOKAWA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SECOND JOINT INVENTOR, IF ANY <b>SHINICHI TSUBOI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF THIRD JOINT INVENTOR, IF ANY <b>SHINZO KAGABU</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY <b>SHOKO SASAKI</b>	INVENTOR'S SIGNATURE <i>Shoko Sasaki</i>	DATE <i>April 19, 2006</i>
RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY <b>KOICHI MORIYA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY <b>YUMI HATORI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

**REISSUE APPLICATION COMBINATION DECLARATION &  
POWER OF ATTORNEY**

 ATTORNEY DOCKET No.:  
**100717- 522 / Bayer 6708.5**  
 Reissue

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number **4,849,432**, granted **July 18, 1989** and for which a reissue patent is sought on the invention entitled **HETEROCYCLIC COMPOUNDS**

the specification of which

(check one) ☐ is being filed herewith, or

☒ was filed on **February 4, 2002** as reissue application serial number **10/067,189** and was amended through April 12, 2006.

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

SHO 61-48629  
(Number)

Japan  
(Country)

07 March 1986  
(Day/Month/Yr. Filed)

☒ yes ☐ no

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Yr. Filed)

☐ yes ☐ no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing data of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)



## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 2 of 3

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to pyrrolidine compounds by amending original patent claim 1 to cancel values of X other than CH-R<sup>3</sup>, and canceling original patent claims 2-6 and 9.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint

Practitioners Associated with the  
Customer Number:

27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----  
**DIRECT TELEPHONE CALLS TO:**

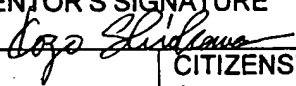
**Kurt G. Briscoe**

**(212) 808-0700**

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR <b>KOZO SHIOKAWA</b>	INVENTOR'S SIGNATURE 	DATE 19 April 2006
RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SECOND JOINT INVENTOR, IF ANY <b>SHINICHI TSUBOI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF THIRD JOINT INVENTOR, IF ANY <b>SHINZO KAGABU</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY <b>SHOKO SASAKI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY <b>KOICHI MORIYA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY <b>YUMI HATORI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

**REISSUE APPLICATION COMBINATION DECLARATION &  
POWER OF ATTORNEY**

 ATTORNEY DOCKET No.:  
**100717- 522 / Bayer 6708.5**  
 Reissue

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 4,849,432, granted July 18, 1989 and for which a reissue patent is sought on the invention entitled HETEROCYCLIC COMPOUNDS

the specification of which

(check one) ☐ is being filed herewith, or

☒ was filed on February 4, 2002 as reissue application serial number 10/067,189 and was amended through April 12, 2006.

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>SHO 61-48629</u> (Number)	<u>Japan</u> (Country)	<u>07 March 1986</u> (Day/Month/Yr. Filed)	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
<u>                    </u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Day/Month/Yr. Filed)	<input type="checkbox"/> yes	<input type="checkbox"/> no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing data of the prior application and the national or PCT international filing date of this application:

<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status) (patented, pending, abandoned)
<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status) (patented, pending, abandoned)
<u>                    </u> (Application Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status) (patented, pending, abandoned)

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 2 of 3

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to pyrrolidine compounds by amending original patent claim 1 to cancel values of X other than CH-R<sup>3</sup>, and canceling original patent claims 2-6 and 9.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint

Pracioners Associated with the  
Customer Number:

27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

-----▽-----▽-----▽-----▽-----▽-----▽-----  
**DIRECT TELEPHONE CALLS TO:**

**Kurt G. Briscoe**

**(212) 808-0700**

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR <b>KOZO SHIOKAWA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SECOND JOINT INVENTOR, IF ANY <b>SHINICHI TSUBOI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF THIRD JOINT INVENTOR, IF ANY <b>SHINZO KAGABU</b>	INVENTOR'S SIGNATURE <i>Shinzo Kagabu</i>	DATE <i>Apr. 19, 2006</i>
RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY <b>SHOKO SASAKI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY <b>KOICHI MORIYA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY <b>YUMI HATORI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

**REISSUE APPLICATION COMBINATION DECLARATION &  
POWER OF ATTORNEY**

 ATTORNEY DOCKET No.:  
**100717- 522 / Bayer 6708.5**  
**Reissue**

I/We hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my name,

I/We believe I am/we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 4,849,432, granted July 18, 1989 and for which a reissue patent is sought on the invention entitled HETEROCYCLIC COMPOUNDS

the specification of which

(check one) ☐ is being filed herewith, or

☒ was filed on February 4, 2002 as reissue application serial number 10/067,189 and was amended through April 12, 2006.

I hereby reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

SHO 61-48629

Japan

07 March 1986

☒ yes ☐ no

(Number)

(Country)

(Day/Month/Yr. Filed)

(Number)

(Country)

(Day/Month/Yr. Filed)

☐ yes ☐ no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing data of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)



## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 2 of 3

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors as described below.

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

Second, the USPTO has determined that patent claims contain multiple independent and distinct inventions, and has required restriction.

The present reissue application corrects these two errors as follows: The patent claims have been limited to pyrrolidine compounds by amending original patent claim 1 to cancel values of X other than  $\text{CH-R}^3$ , and canceling original patent claims 2-6 and 9.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint

Practioners Associated with the  
Customer Number:

27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from the Assignee of this application as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned.

-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----  
**DIRECT TELEPHONE CALLS TO:**

**Kurt G. Briscoe**

**(212) 808-0700**

## REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR <b>KOZO SHIOKAWA</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SECOND JOINT INVENTOR, IF ANY <b>SHINICHI TSUBOI</b>	INVENTOR'S SIGNATURE <i>Shinichi Tsuboi</i>	DATE 20 April '06
RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF THIRD JOINT INVENTOR, IF ANY <b>SHINZO KAGABU</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FOURTH JOINT INVENTOR, IF ANY <b>SHOKO SASAKI</b>	INVENTOR'S SIGNATURE	DATE
RESIDENCE 6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF FIFTH JOINT INVENTOR, IF ANY <b>KOICHI MORIYA</b>	INVENTOR'S SIGNATURE <i>Koichi Moriya</i>	DATE 18 April 2006
RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SIXTH JOINT INVENTOR, IF ANY <b>YUMI HATORI</b>	INVENTOR'S SIGNATURE <i>Yumi Hatori</i>	DATE 190406
RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan	CITIZENSHIP Japanese	
POST OFFICE ADDRESS Same as above		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		